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Attorneys for Defendant
SPRINT NEXTEL CORPORATION and QWEST
COMMUNICATIONS INTERNATIONAL INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN C. PRATHER on behalf of himself and
the UNITED STATES OF AMERICA and the
several states of CALIFORNIA, DELAWARE,
FLORIDA, ILLINOIS, INDIANA,
MASSACHUSETTS, NEVADA, NEW
HAMPSHIRE, NEW JERSEY, NEW
MEXICO, NEW YORK, RHODE ISLAND,
VIRGINIA, as well as the DISTRICT OF
COLUMBIA,

Plaintiff/Realtor,

v.

AT&T INC., CELLCO PARTNERSHIP d/b/a
VERIZON COMMUNICATIONS, QWEST
COMMUNICATIONS INTERNATIONAL
INC., SPRINT NEXTEL CORPORATION,
and TELEPHONE AND DATA SYSTEMS,
INC.,

Defendants.

Case No. 3:09-cv-2457 (CRB)

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING HEARING DATE
AND BRIEFING SCHEDULE FOR
DEFENDANTS' RESPONSES TO
RELATOR'S COMPLAINT AND CASE
MANAGEMENT CONFERENCE**

JOINT STIPULATION AND [PROPOSED] ORDER
CASE NO. CV-09 2457 CRB

1 Relator John C. Prather and Defendants AT&T Inc. (“AT&T”), Cellco Partnership d/b/a
2 Verizon Wireless (“Verizon”), Qwest Communications International Inc. (“Qwest”), Sprint Nextel
3 Corporation (“Sprint”), and Telephone and Data Systems, Inc. (“TDS”) (collectively, “Defendants”),
4 by and through their respective counsel and subject to the approval of the Court, hereby stipulate as
5 follows:

6 **WHEREAS**, Relator filed the initial complaint (“Complaint”) in the above-referenced matter
7 on June 3, 2009, and the matter was assigned to the Hon. Bernard Zimmerman.

8 **WHEREAS**, on November 29, 2011, the Court entered an order providing that AT&T,
9 Verizon, Sprint, and TDS shall answer or respond to the Complaint on January 17, 2012 and setting
10 a briefing schedule and hearing date for their motions (Dkt. No. 22);

11 **WHEREAS**, on November 30, 2011, the Court reassigned this matter to the Hon. Charles R.
12 Breyer and ordered that “[a]ll matters presently scheduled for hearing are vacated and should be
13 renoticed for hearing” (Dkt. No. 30);

14 **WHEREAS**, Defendant Qwest appeared in this action through its counsel on December 13,
15 2011, and has agreed with Relator, subject to the Court’s approval, to respond to the Complaint on
16 the same schedule applicable to the other Defendants;

17 **WHEREAS**, the Initial Case Management Conference in this matter is scheduled for January
18 13, 2012 at 8:30 a.m., and the joint case management statement is due not less than seven days prior
19 to the conference; and

20 **WHEREAS**, Relator and Defendants further agree that by entering into this stipulation,
21 Defendants do not waive any defenses or submit to the jurisdiction of the Court;

22 **NOW, THEREFORE**, subject to the approval of the Court, Relator and Defendants stipulate as
23 follows:

24 1. The Initial Case Management Conference, currently scheduled for January 13, 2012,
25 is continued to February 3, 2012 at 8:30 a.m. before the Honorable Charles C. Breyer, and the joint
26 case management statement is due not less than seven days prior to the conference;
27

2. Defendant Qwest will answer or respond by motion to the Complaint on or before January 17, 2012;

3. Relator shall file any opposition(s) to each of Defendants' Motion(s) on or before February 28, 2012;

4. Defendants shall file any reply brief(s) in support of their Motion(s) on or before March 20, 2012;

5. Defendants' Motion(s) will be heard on April 20, 2012 at 10:00 a.m.

IT IS SO STIPULATED

Dated: December 23, 2011

BALESTRIERE FARIELLO

By: /s/ John G. Balestriere
John G. Balestriere
Attorneys for Plaintiff John C. Prather

Dated: December 23, 2011

SIDLEY AUSTIN LLP

By: /s/ Douglas A. Axel
Douglas A. Axel
Attorneys for Defendant AT&T Inc.

Dated: December 23, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ Jerome C. Roth
Jerome C. Roth
Attorneys for Defendant Cellco Partnership
d/b/a Verizon Wireless

Dated: December 23, 2011

PERKINS COIE LLP

By: /s/ David F. Taylor
David F. Taylor
Attorneys for Defendants Sprint Nextel
Corporation and Qwest Communications
International Inc.

1 Dated: December 23, 2011

SIDLEY AUSTIN LLP

2 By: /s/ Richard J. O'Brien
3 Richard J. O'Brien
4 Attorneys for Defendant Telephone and Data
Systems, Inc.

5 ***

6 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

7 Dated: January 3, 2012

